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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CELTIC BANK CORPORATION,
successor-in-interest to SILVER STATE
BANK by acquisition of assets from the FDIC
as Receiver for Silver State Bank, a Utah
banking corporation organized and in good
standing under the laws of the State of Utah,

Plaintiff,

v.

MARK LEE BLACKWELL, an individual;
BLACKWELL GENERAL ENGINEERING,
INC., a California corporation;
BLACKWELL ENVIRONMENTAL, LLC, a
domestic limited liability company; LAS
VEGAS PIPELINE, LLC, a domestic limited
liability company; and DOE Individuals I
through X; and ROE Corporations and
Organizations I through V, inclusive,

Defendants.

Case No.: 2:18-cv-00914-GMN-CWH

**STIPULATION AND ORDER TO STAY
PROCEEDINGS**

CELTIC BANK CORPORATION, successor-in-interest to SILVER STATE BANK by
acquisition of assets from the FDIC as Receiver for Silver State Bank, a Utah banking
corporation organized and in good standing under the laws of the State of Utah ("**Celtic Bank**" or
"**Plaintiff**"), by and through its attorney of record Allyson R. Noto, Esq., of the law firm of
Sylvester & Polednak, Ltd., and MARK LEE BLACKWELL ("**Blackwell**"); BLACKWELL
GENERAL ENGINEERING, INC. ("**Blackwell Engineering**"); BLACKWELL
ENVIRONMENTAL, LLC ("**Blackwell Environmental**"), and LAS VEGAS PIPELINE, LLC

1 (“*LV Pipeline*”), by and through its counsel of record, Sheldon A. Herbert, Esq. of the law firm
2 of Smith & Shapiro, hereby stipulate and agree as follows:.

3 **RECITALS**

4 1. WHEREAS, on or about January 18, 2006, Gibson Road, LLC (“*Gibson Road*”)
5 was the owner of that certain property located at 181 North Gibson Road, Henderson Nevada
6 (the “*Property*”).

7 2. WHEREAS, Gibson Road borrowed approximately \$748,000 from Silver State
8 Bank (the “*Original Lender*”) and executed a Promissory Note (the “*Note*”). As security for the
9 Note, Gibson Road also executed and recorded a Deed of Trust against the Property in favor of
10 the Original Lender (the “*Deed of Trust*”).

11 3. WHEREAS, the Property was subject to certain Covenants, Conditions and
12 Restrictions, which, among other things, required periodic payments by the Property Owner to an
13 Association (the “*Association*”).

14 4. WHEREAS, on or about April 17, 2014, the Association recorded a Foreclosure
15 Deed (the “*Foreclosure Deed*”) purportedly conveying title to the Property to Vegas United
16 Investment Series 105, Inc. (“*Vegas United Investment*”).

17 5. WHEREAS, on November 25, 2015, Plaintiff filed a complaint against Vegas
18 United Investment (the “*State Court Action*”), wherein Plaintiff sought to conduct a judicial
19 foreclosure against the Property based upon the Deed of Trust recorded against the Property by
20 Gibson Road, LLC (“*Gibson Road*”).

21 6. WHEREAS, on September 5, 2017, a Notice of Entry of Findings of Facts and
22 Conclusion of Law was entered in the State Court Action, which allowed Plaintiff to move
23 forward with a judicial foreclosure against the Property.

24 7. WHEREAS, on September 28, 2017, Vegas United Investment filed a Notice of
25 Appeal (the “*Appeal*”), wherein Vegas United Investment is seeking to overturn the Findings of
26 Facts and Conclusions of Law entered in the State Court Action.

27 8. WHEREAS, the Appeal is still pending in front of the Nevada Supreme Court.
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1 9. WHEREAS, on or about May 18, 2018, Plaintiff filed its Complaint against
2 Blackwell, Blackwell Engineering, Blackwell Environmental and LV Pipeline (the "Federal
3 Court Action").

4 10. WHEREAS, the outcome of the Appeal will have a significant impact on the
5 Federal Court Action, as the basis of the Federal Court Action will be directly affected by the
6 Nevada Supreme Court's decision on the Appeal.

7 11. WHEREAS, all parties agree that it is not in the best interest of the parties, or of
8 the Court's time and resources, to move forward with the Federal Court Action until the outcome
9 of the Appeal is known.

10 12. NOW THEREFORE, based upon the forgoing, IT IS HEREBY STIPULATED
11 and AGREED that this, the Federal Court Action, shall be stayed pending the final disposition of
12 the Appeal, or until either party files a motion seeking to move forward with the present action.

13 DATED this 5 day of September, 2018.

13 DATED this 5 day of September, 2018.

14 By 
15

16 Allyson R. Noto, Esq.
SYLVESTER & POLEDNAK, LTD.
1731 Village Center Circle
Las Vegas, NV 89134
Attorney for Plaintiff

14 By 
15

16 James E. Shapiro, Esq.
Sheldon A. Herbert, Esq.
SMITH & SHAPIRO
3333 E. Serene Ave., Suite 130
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Attorney for Defendants

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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that this matter shall be STAYED and held in abeyance pending a final disposition of the Appeal, or until either party files a motion with the Court seeking to move forward notwithstanding the pending Appeal.

IT IS FURTHER ORDERED that the parties must file a joint status report by December 6, 2018.

DATED: September 6, 2018


UNITED STATES MAGISTRATE JUDGE

Submitted by:

SYLVESTER & POLEDNAK

By 

Allyson R. Noto, Esq.
SYLVESTER & POLEDNAK, LTD.
1731 Village Center Circle
Las Vegas, NV 89134
Attorney for Plaintiff